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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,766	12/04/2001	Nicholas Paul Cowley	042390.P23771	7918
8791 7590 09/11/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER TRINH, SONNY	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/004,766	Applicant(s) COWLEY ET AL.	
	Examiner Sonny TRINH	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 2-9 and 29-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Current Status:

1. This Office Action is in response to the amendment filed 08/02/07. Claims 1, 10-28 are pending. Claims 2-9, and 29-35 remain withdrawn. Please note that all withdrawn claims must be canceled before the application can be issued.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 10-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 10** are rejected under 35 U.S.C. 102(e) as being anticipated by Birleson et al. (hereinafter "Birleson"; U.S. Patent Number 7,079,195.

Regarding **claim 1**, with reference to figure 1 and its description, Birleson discloses a radio frequency tuner (abstract; summary of the invention) comprising:

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an Inter-integrated circuit (I2C-bus) (figure 1, box 798, column 3 lines 50-65, column 8 lines 23-34);

a frequency changer including a mixer stage to receive a radio frequency (RF) input (figure 1, mixers 103, 110) and having a performance and a gain which are first and second functions of a power consumption (column 3 line 31 to column 4 line 5); and

a bus interface, coupled to the I2C bus, having an input coupled to a data bus (figure 1, bus interfaces such as data, address, clock, control, and status connected to the I2C interface 708);

a microcontroller (inherent, data and address buses must be controlled by a controller), coupled to the I2C bus (figure 1), to control a variable gain arrangement of the mixer stage via the bus interface to compensate at least partly for a variation of said gain of said at least one stage (figure 1, I2C interface bus connected to the mixers 103, 110 via the clocks 104 and 11).

Regarding **claim 10**, Birleson further discloses that the tuner as claimed in claim 1, comprising means for setting said power consumption, said microcontroller being responsive to said means for setting said power consumption to achieve a desired tuner performance (column 2 lines 59-67, please see the summary of the invention).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 25-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Birleson in view of Bergveld et al. (hereinafter "Bergveld"; U.S. Patent Number 6,298,222).

Regarding **claims 25-26**, Birleson discloses the invention but does not explicitly disclose that the setting means comprises means for selecting a desired power consumption a plurality of fixed power consumptions.

In an analogous art, Bergveld teaches a communication system with an RF power control (abstract), with reference to figures 1-3, Bergveld further teaches the setting means comprises means for selecting a desired power consumption a plurality of fixed power consumptions (such as the power table in figures 1-3, abstract, col. 3, lines 34-67).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the power table, as taught by Bergveld to the system of Birleson. The motivation for doing so would be to easily select the desired power level for operating the tuner depending on the requirement.

Regarding **claim 27**, since the power can be controlled, it is inherent that the setting means comprises a control input of said control circuit.

Regarding **claim 28**, Bergveld further discloses that the setting means is arranged to fix said power consumption during manufacture of said tuner (column 1, specifically lines 47-55).

Allowable Subject Matter

5. **Claims 11-24** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 11**, the applied references fail to disclose or render obvious the claimed limitations of a tuner as claimed in claim 10, in which said setting means comprises a comparator for comparing a tuner performance with a first predetermined performance and for causing said microcontroller to reduce said power consumption of said at least one stage when said tuner performance exceeds said first predetermined performance.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed URBAN can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/27/07


SONNY TRINH
PRIMARY EXAMINER